

# MONTANA PUBLIC DEFENDER COMMISSION

## CONFERENCE CALL

Public Location: Helena Regional Office  
139 North Last Chance Gulch, Helena, MT 59601

January 19, 2016

## MINUTES

*Approved at the February 26, 2016 Meeting*

### Commissioners Present

Richard E. "Fritz" Gillespie, (Chair), Helena; Margaret Novak, Chester; Ann Sherwood, Pablo; Bonnie Olson, Marion; Mike Metzger, Billings; Maylinn Smith, Missoula; Roy Brown, Billings

### Commissioners Absent

Larry Mansch, Missoula; Brian Gallik, Bozeman; Terry Jessee, Billings

### Staff Members Present

Bill Hooks, Chief Public Defender; Kristina Neal, Conflict Coordinator; Harry Freebourn, Administrative Director; Wendy Johnson, Contract Manager; Peter Ohman, Training Coordinator; Carleen Green, Accountant; Chris Thomas, Training Assistant

### Interested Parties

Bonnie Shoemaker, State Human Resources Division; Greg DeWitt, Legislative Fiscal Division; Malissa Williams, Office of Budget and Program Planning; Timm Twardoski, Executive Director, AFSCME Montana Council 9; Caitlin Borgmann, Executive Director, ACLU Montana; Jim Taylor, Legal Director, ACLU Montana

#### 1. Call to Order

Chairman Fritz Gillespie called the meeting of the Public Defender Commission to order at 10:05 a.m.

#### 2. Roll Call

The roll was called and there was a quorum.

#### 3. Wage Adjustment for Direct Reports (.50/hour) (Action Item)

Commissioner Olson moved to increase the wage for the Commission's direct reports (Chief Public Defender, Chief Appellate Defender, Administrative Director and Conflict Coordinator) by 50 cents per hour, in alignment with the statutory pay adjustment for classified employees. Commissioner Smith seconded and the motion carried.

#### 4. Response to Task Force Information Request\* (Action Item)

*\*Note: Chairman Gillespie assigned the response to the Strategic Planning Committee, operating as the committee of the whole.*

Chairman Gillespie stated that the draft response that is under discussion is not ready for final approval by the members. Commissioner Olson moved that this be considered an informational meeting, and that the Commission not take action on the response to the Task Force. Commissioner Brown seconded and the motion carried.

At the December 10 Task Force meeting, the Task Force made several information requests of OPD and Legislative Services staff. The Commission discussed those requests at their December 11-12 meeting, and developed a list of tasks to be completed for the February 1

meeting. Administrative Director Harry Freebourn worked with Dave Bohyer, Research Director assigned to the Task Force, to coordinate his list of requested items with OPD's list.

Mr. Freebourn took comments from the Commission to improve the response. He will also have comments from the budget office to incorporate. Chairman Gillespie invited members of the public to provide input as well, and to send suggestions to Mr. Freebourn.

Commissioners Sherwood and Smith agreed to put together an outline for their pilot project as part of Item 9.

Bonnie Shoemaker, State Human Resources Compensation and Classification Program Manager, and Timm Twardoski, AFSCME Council 9 Executive Director, discussed Item 11. Ms. Shoemaker said that State HR does a salary survey every two years, and one will be conducted in 2016. Mr. Twardoski described the process of establishing a labor-management committee to review and scrutinize agency market pay rates.

Contract Manager Wendy Johnson will provide a report on the numbers of and reasons that contract attorneys choose to separate from OPD.

The Commission was provided with supplemental information just prior to the meeting, including a draft response to Item 8 regarding inactive cases. This will be posted to the website.

## **5. Public Comment**

Jim Taylor, ACLU Montana Legal Director, made the following comments:

- a. Don't rush the responses to the questions from Judge Haynes.
- b. A differential rate for contract attorneys is a good idea. Survey eastern Montana lawyers to determine the rate at which they would take OPD cases.
- c. Be more proactive; establish pilot projects in every region.
- d. Do not institute client application fees.
- e. Turn eligibility determination over to the judiciary.
- f. Stop collecting state special revenue; give it to another agency.
- g. Eliminating jail time for certain offenses is a good idea, but solutions must also be offered (e.g., have a process to assist clients with driver's license issues).
- h. Consider proposing legislation to create a diversion program for revocations.
- i. Hire a communications director and devote agency resources to it.
- j. Ensure that FTE and contractors are complying with Standards, or eliminate them.
- k. Investigate problems with disproportionate rates of incarceration and OPD's role, and address it with the Task Force. Suggests we address this with TF.

## **6. Old Business/New Business**

- A. Approve Wage Adjustment (handled under item 3)
- B. Approve Task Force Response (item 4, not necessary)
- C. Identify Attendees at February 1 Task Force Meeting  
Chairman Gillespie, Commissioner Olson and possibly Commissioner Metzger will represent the Commission.

## **7. Set Future Commission Meeting Dates**

The next meetings will be set to align with the Executive Planning Process.

## **8. Adjourn**

The meeting adjourned at 12:55 p.m.